

40.
29-08-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2487 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Khanakul Police Station Case No.246 of 2024 dated 25-05-2024 under Section 376(3) of the Indian Penal Code read with Section 4 of the Protection Of Children from Sexual Offences Act with adding Section 328 of the Indian Penal Code and subsequently charge sheet submitted under Sections 506/509/328 of the Indian Penal Code and Section 17 of the Protection Of Children from Sexual Offences Act.

- A n d -

In the matter of : Anjushri Mete

.... Petitioner.

Mr. Kallol Mondal,
Mr. Musharraf Alam Sk,
Mr. Krishan Ray,
Mr. Souvik Das,
Mr. Akbar Laskar,
Mr. Sk. Mustafi Rahaman

... For the Petitioner.

Mr. Suman De,
Ms. Sima Biswas

... For the State.

Mr. Samiran Mandal,
Mr. Abhinaba Dan

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

Leave is granted to the petitioner to correct the cause title.

Report filed on behalf of the State be taken on record.

The petitioner says that he has been falsely implicated. The FIR was lodged 26 days after the alleged incident. Investigation is complete. Charge sheet has been submitted under Sections 328/506/509 of the Indian Penal

Code and Section 17 of the POCSO Act. It is not necessary to detain her in custody any further.

Opposing the prayer for bail, learned advocates for the State and the defacto complainant draw our attention to the relevant material in the Case Diary. We have seen the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. We, however, see that medical examination of the victim girl was refused.

On an overall consideration of the material on record and the possible extent of complicity of the petitioner in the alleged offence and also because investigation is complete, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, **Anjushri Mete**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court under POCSO Act, Arambagh-cum-Additional District Judge, 1st Court (POCSO), Arambagh. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2487 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)